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DEPARTMENT FOR EUR/SE

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SUBJECT: ECUMENICAL PATRIARCHATE ON THE POPE'S VISIT AND
NEW FOUNDATIONS LAW VETO

REF: A. ANKARA 6593

[¶](#)B. ISTANBUL 2141

[¶](#)C. ANKARA 6529

Classified By: Consul General Deborah K. Jones for reasons 1.4 (b) and (d)

[¶](#)1. (C) Summary: Ecumenical Patriarchate senior advisor Metropolitan Meliton shared with us his deep satisfaction over the success of Pope Benedict XVI's recent visit to Turkey but predicted improved Muslim-Christian relations would not influence the Government of Turkey (GOT) to resolve issues concerning the Patriarchate. Meliton expressed his appreciation for the U.S. Ambassador's very supportive remarks at a December 1 dinner honoring Ecumenical Patriarch Bartholomew I. In addition, Meliton described President Sezer's November 29 Foundations Law vetoes as irrelevant, claiming that the new law itself was inadequate. Finally, Meliton said he'd met with attorneys in the United States to explore bringing the issue of the Ecumenical Patriarchate's lack of juridical personality in Turkey to the European Court of Human Rights (ECHR). End summary.

Pope's Visit a Success but Will it Translate into GOT Action?

[¶](#)2. (C) In a December 5 meeting following Pope Benedict XVI's visit to Istanbul, Metropolitan Meliton praised the visit's success and said the Pope had done everything he could to help the Ecumenical Patriarchate, including making the trip in the first place (the GOT, he claimed, did not want the visit to happen). He said that the Pope is ready to speak to the GOT about the Patriarchate's problems and had asked that the Patriarchate send Vatican Prime Minister Cardinal Bertone a list of issues. He added that the world knows the Pope came to Turkey specifically for the Ecumenical Patriarch and that this was a very significant event in the Patriarchate's life. The two leaders discussed the official theological dialogue relating to the goal of inter-communion as well as the "negative points" between the two churches, he said.

[¶](#)3. (C) Despite the visit's success, Meliton lamented that while it would undoubtedly have a positive effect on Muslim-Christian relations, the Ecumenical Patriarchate is unlikely to derive any collateral benefit because of the secular (and by implication--not religious) establishment's aversion to resolving these issues. He was also gravely disappointed by the fact that no Turkish official escorted the Pope to the events hosted by the Ecumenical Patriarchate, adding that the same held true during President Clinton's 1999 visit and that this was a sign of the Government's true feelings regarding the Patriarchate.

¶4. (C) Meliton also expressed his gratitude for the Ambassador's very supportive remarks at a December 1 dinner in honor of Bartholomew. Reflecting the great scrutiny placed upon this visit by fellow (and in this case, competing) members of the Orthodox world, he added that the Russian Consul General complained about the priority seating given to the U.S. Ambassador during the religious services at the Patriarchate. Other foreign representatives viewed the seating arrangements much more favorably, with the Serbian Consul General noting that he was delighted by protocol arrangements that placed Foreign Minister Vuk Draskovic only one seat away from the Pope during the November 30 Orthodox service.

New Foundations Law: Veto irrelevant, Law inadequate

¶5. (C) Meliton said President Sezer's recent veto of nine articles in Parliament's new Foundations Law (ref A) were irrelevant because the legislation itself was inadequate. Meliton stated the Patriarchate is waiting to see what Parliament does before deciding on how to address a number of concerns, which include:

-- Lack of provision for granting legal status to the religious authorities of non-Muslim minorities, having the effect that they can neither obtain nor maintain assets;

-- The law's provisions are applied subject to the principle of reciprocity (and thus, argues Meliton, holds the non-Muslim minorities captive for concessions by other governments (i.e. Greece, Armenia) to their own minorities);

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-- Lack of provision for returning properties associated with foundations which have been seized by the GOT;

-- Lack of provision for returning non-Muslim cemeteries--which despite Lausanne Treaty obligations, are currently owned by local municipalities--to their respective minority communities;

-- Continued ability of the GOT's General Directorate of Foundations (Vakiflar) to confiscate foundations which have not held board elections in 10 years or which no longer fulfill the goals for which they were founded (Note: this is of particular concern to the Greek Orthodox community which, due to dwindling numbers, often does not have sufficient foundation members to hold board elections. In addition, the Ecumenical Patriarchate has long feared that this provision could be used by the GOT to confiscate the foundation associated with Halki Seminary because the school is closed and the foundation, arguably, no longer fulfills the goal for which it was established (Ref B). End note.);

-- The Vakiflar is authorized to exchange, sell or transfer property associated with foundations which have been confiscated by the GOT. Meliton noted that the Vakiflar had recently used this provision to transfer three such Greek Orthodox minority properties to a Muslim foundation;

-- The law stipulates that the cultural wealth associated with the foundations confiscated by the Vakiflar are also transferred to the Vakiflar;

-- Foundations are not permitted to be involved in international activities unless such activities are formally stipulated in the foundation's charter. Meliton stated that since such a declaration was not required when most of the Greek Orthodox community foundations' charters were established, they do not stipulate an intention to engage in international activity;

-- Foundations are permitted to receive donations from abroad only through a remittance process which includes notifying the Vakiflar;

-- The Vakiflar is the authorized agency for generating solutions to disputes arising between itself and the foundations;

-- Finally, there is no provision regarding compensation for properties which were sold by the Vakiflar to third parties, which Meliton claims applies to most of the Greek Orthodox community properties seized by the GOT.

Possible ECHR Case on Juridical Personality

¶ 16. (C) Meliton also informed us of his visit to the United States in mid-November, where he met with a group of American and British lawyers to discuss whether or not the Ecumenical Patriarchate should bring a case against the GOT to the ECHR regarding the Patriarchate's lack of juridical personality. The legal committee is conducting a risk-benefit analysis to assess possible affects on the Patriarchate in the event it were to lose such a case. (Note: according to Meliton, the Ecumenical Patriarchate has previously brought 27 cases to the ECHR, all pertaining to property disputes. End note.) Meliton also used his trip to discuss with a number of unspecified Congressional representatives the Patriarchate's problems.

¶ 17. (C) Comment: Though the New Foundations Law was widely recognized as a positive step towards advancing minority rights in Turkey (ref C), Meliton's negative opinion reflects the Ecumenical Patriarchate's existential fear that it cannot afford to wait out a slow reform process and that any solution that falls short of resolving key livelihood issues--such as its legal standing in Turkey--is inadequate. The ECHR case under consideration is further evidence of this opinion, as are Meliton's guarded sentiments about the long term benefits of the Pope's visit. End comment.

JONES